



City of Seattle

Gregory Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004253

Applicant Name: Jon Jainga, for Seattle Department of Parks and Recreation

Address of Proposal: 7400 Sand Point Way NE

SUMMARY OF PROPOSED ACTION

Land Use Action to establish use for future construction of four athletic fields with installation of twenty-four (24) light poles (approved under Project #2400368) at Warren G. Magnuson Park in an environmentally critical area. The project includes wetlands restoration and 165,000 cubic yards of grading (72,000 cu. yds. of cut, 92,000 cu. yds. of fill). The proposal also includes the demolition of three structures (the commissary and two related buildings) located within the playfield/wetlands restoration area. Environmental documents, including a Final Environmental Impact Statement, a Final Supplemental Environmental Impact Statement, and an EIS Addendum to the FEIS were previously prepared and issued by the Seattle Department of Parks and Recreation.

The following approvals are required:

SEPA – Conditioning Only - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS* ☐ MDNS ☒ EIS*
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition
 or involving another agency with jurisdiction.

*A FEIS prepared by the Department of Parks and Recreation was issued on July 12, 2002; the Final Supplemental EIS was issued on May 16, 2003; and the EIS Addendum was issued on December 15, 2003. A challenge to the adequacy of the EIS was dismissed by the King County Superior Court on March 18, 2005. DPD will consider and impose any necessary SEPA conditioning.

BACKGROUND INFORMATION

Warren G. Magnuson Park is a 352-acre park managed by the City of Seattle Department of Parks and Recreation. It is located in the northeast quadrant of the City of Seattle on a peninsula surrounded by Lake Washington. The park contains historic structures from the Naval Air Station previously sited there and handed over to the City after complete decommissioning by the U. S. Navy in 1991, athletic fields, playgrounds, an off-leash dog recreation area, parking lots, boat launch, pathways and open habitat areas. A Master Plan for the park was completed in 2001 and subsequently approved by the City Council. Construction of a grassed sports field, Phase I of the development envisioned by the Master Plan, was completed in the fall of 2005. The current application proposes construction and development related to Phase II of the Master Plan, is centered on an area of the park just north of the southern boundary of the park that currently contains large structures dating from the use as a Naval Air Station (hangars, utilities, and support facilities), large areas of paved plane taxiways (parking lots and roadways), as well as grassed athletic fields and open habitats including wetlands.

Ordinance 121502, passed by the City Council on June 14, 2004, approved a total of nine (9) playfields, with only seven (7) of the fields to be illuminated with artificial light, with development to be completed in multiple phases. The proposed action, known as Phase II of the approved Master Plan, will occur on a portion of Magnuson Park approximately 92 acres in size.

Site and Vicinity Description

The Park (which includes the entire project site) is located within the former boundaries of the Puget Sound Naval Station, which included land that was used for a military airfield. Title for a major portion of the former naval facility was transferred to the City of Seattle in 1970. The Park currently includes a total of 352 acres, including 30 acres within the property boundaries of the park administered by entities other than the City of Seattle Department of Parks and Recreation. The proposal site is located to the north of the southern edge of Sand Point Magnuson Park which runs along NE 65th Street. Existing uses within that portion of the park affected by this proposal include two separate areas with multiple grass-surfaced athletic fields, six tennis courts. Two picnic areas, park roadways and parking lots, trails, and extensive, unmanaged open space areas. The larger park site includes a number of vintage naval station buildings, some of considerable size. Other park facilities include a boat launch, a beach area and an off-leash dog exercise area. The National Oceanic and Atmospheric Administration (NOAA) occupies a large site developed with several large buildings on land that was part of the former naval air station just to the north of the park.

The entire playfield/wetlands area is zoned Single Family 7200 (SF 7200), as are some of the immediately adjacent properties. There is a portion of the larger Park site immediately to the west of the playfield area which is zoned Lowrise Residential (L-3), as is a portion of land just south of 66th Street. Other land south of 65th Street as well as water-wards, including land within the boundaries of the Park is zoned Single Family 9600 (SF 9600). The bulk of the properties west of the park across Sandpoint Way NE is zoned Single Family 5000 (SF 5000). While the land within the park is relatively flat, with some dune-like characteristics, the land west of the park rises steeply in elevation, providing many of the residential structures built on the hillside with views over the park and over Lake Washington which lies at the park's eastern edge.

Portions of the proposal site are mapped in the Department of Planning and Development *Environmentally Critical Area Folios* as occurring in an Environmentally Critical Liquefaction Area, Environmentally Critical Fish and Wildlife Habitat Conservation Area as defined by Chapter 25.09 of the Seattle Municipal Code. In addition, the overall development site contains or is adjacent to identified wetlands as also defined by Chapter 25.09. This proposal for development associated with the playfields and wetlands restoration is subject to the application submittal requirements, general requirements and development standards described in SMC 25.09.060, unless otherwise exempted.

Proposal Background

The *Sand Point Magnuson Park Drainage, Wetland/Habitat Complex and Sports Fields/Courts Project*, presented as the preferred alternative in the Final EIS which was issued on July 12, 2002, showed 11 play fields, all with synthetic playing surfaces and all illuminated with artificial, pole lighting. The portion of Sand Point Magnuson Park indicated to be improved is located east of Sandpoint Way NE and to the north of the extension of NE 65th Street which runs along the southern edge of the park. Following an appeal of the adequacy of the Final EIS and a remand by the City Hearing Examiner, the Parks Department issued a Final Supplemental EIS. The supplement, issued in May 2003, addressed, at the Hearing Examiner's direction, the sole issue of the impact of sports field *noise* on wildlife. In response to environmental issues raised within the context of the appeal, however, the Parks Department elected to modify the operational aspects of the sports field component of the proposal as well as to modify selected design characteristics. Nonetheless, the fields remained 11 in number, all served by artificial, pole-mounted illumination.

Subsequently the Parks Department modified both program and design to illuminate only nine of the eleven sports fields. Passage of Ordinance 121502 by the City Council, on June 14, 2004, approved a total of nine (9) playfields, with only seven (7) of them to be illuminated with artificial light, and restricted actual development to a phased program. The Department of Parks and Recreation proposed to DPD a reduction in the proposed lighting which was a part of MUP 2400368 to reflect the reduction in playfields that was part of the City Council legislation. That change eliminated six (6) of the 65-foot poles and fourteen (14) of the 75-foot poles which originally had been proposed and resulted in 180 fewer luminaries dedicated to playfield illumination. In addition, the project had originally included thirty six (36) 40-foot tall parking lot poles, some with single and some with double luminaries for a total of fifty four (54) luminaries, as well as thirty nine (39) 40-foot roadway lighting poles, each with single luminaries. The proposed thirty six (36) parking lot poles at 40 feet in height and containing 54 luminaries as well as the thirty nine (39) roadway poles, each at 40 feet in height and supporting a single luminary each was eliminated as a part of MUP #2400368 at the written request of the Parks Department on November 15, 2004. On April 18, 2005, City Council granted a modification of development standards for a City facility in a single family zone with a 30-foot height limit to allow installation of light poles with light fixtures, in heights from 65 to 85 feet high, at four playfields at Warren G. Magnuson Park (C.F. 306574 / MUP #2400368).

Project Description

The Land Use Action proposed in this application and identified as Phase II of the approved Master Plan, includes the construction of four athletic fields and establishing the sub-grade for what could be a future playfield on the western portion of the overall project area. The fields will be constructed by filling with soil to raise the fields above the existing grades. This will provide positive drainage for the fields and provide water to the wetlands habitats which are down-gradient. The fields are proposed to be surfaced with either natural grass or artificial turf. The proposed playfields include one soccer field (Field #1), one rugby field (Field #5), one baseball field (Field #6), and one softball field (Field #9). Field #1 will be illuminated by luminaries attached to eight lighting poles, each extending to a height of 75 feet; field #5 will be illuminated by luminaries attached to 10 lighting poles, each extending to 75 feet; field #9 will be illuminated by luminaries attached to six lighting poles, two extending to 65 feet in height, and four extending to 75 feet in height. The number and height of the lighting poles has been previously approved by the City Council (C.F. 306574/MUP #2400368).

In addition, the proposed action of Phase II development in Magnuson Park includes a realignment of the cross-park trail, the creation of new walking trails between the fields and the habitat areas, and an enhancement of upland and wetlands habitats. These enhancements will be accomplished by planting native trees and shrubs, changing the hydroperiods of some wetlands in order to increase their depth and/or duration of saturation and inundation, and creating new wetlands areas.

Public Comment

The public comment period for the Land Use Action described in this proposal began on February 9, 2006 and was extended by request through March 8, 2006. During that time the Department received approximately twenty letters and in excess of a seventy emails regarding the proposal. Approximately one-third of the comments received spoke in favor of the project as proposed and asked the City to get on with the permitting process without further delay. The majority of the comments were opposed to one or other aspect of the proposal.

In response to a petition with nearly a hundred signatories, DPD held a public meeting to accept additional comments on the project on April 25, 2006. Approximately 75 individuals attended the evening meeting held at Magnuson Park. Of the 31 individuals who made oral comments on the proposal, 7 spoke in favor of approving the project as proposed and 24 spoke in opposition to all or some of the elements contained within the Department of Parks and Recreation's proposal.

The majority of the written and oral comments received by DPD ranged broadly over a range of issues associated with the proposed development. Some comments challenged the general adequacy of the Environmental Impact Statement or other decision-making documents. Other comments were focused on the specifics of identified environmental impacts and proposed mitigation; these included, among others, the impact of lighting on neighbors and wildlife, the adequacy of proposed landscaping for mitigating lighting impacts, and traffic impacts. Some comments indicated that the scope of Phase II development was not broad enough; others indicated that the scope of development was too broad in scope. Many comments addressed

issues beyond the purview of this review and analysis, including the City's overall policy for locating sports fields within the City and the sources of funding to be utilized by the Parks Department for this proposal.

Additional Background Information

Athletic fields have always been an important part of the City of Seattle's Parks system. Beginning in the late 1970s, however, the Parks Department found that demand had grown due to increases in adult sports leagues and especially by the participation by women and girls in a variety of sports, a trend which appears to have continued. In addition, demand for sports facilities to serve soccer, ultimate frisbee, rugby, and lacrosse has driven the need for additional field capacity. This expansion in participants has been accompanied by a demand for increased year-round rather than single-season participation in most of the sports activities.

Because of the limited availability of new open spaces for active recreation within the city and the need to increase scheduling capacity, the Parks Department has been exploring ways to provide playfields with surfaces compatible with all-seasons usage and extending hours of use throughout the year by illuminating some of the playfields.

Public parks are City facilities permitted outright in single-family zones. As is the case with many public facilities, the development standards of single-family zones can constrain the public parks in ways that hamper their fundamental purpose. The Seattle Land Use Code sets a base height limit for structures in Single Family Zones at 30 feet (SMC 23.44.012).

On Feb 20, 2001, Ordinance 120266 had been adopted by City Council to allow taller lighting standards for public school playfield lighting where necessary to improve safety for athletic participants and minimize impacts of glare and light spill. Since Parks property is not eligible for this height exception process through the adopted ordinance, the Seattle Parks Department through MUP #2400368, successfully sought a Council Land Use decision in order to modify the height development standards of the Single Family Zone as they relate to the proposed light poles for the playfields which would be comparable to that already allowed for public school playfield lighting. The proposed luminaries are designed to function properly at a mounting heights of anywhere from 65 to 85 feet in order to reduce the impacts of spill light and to provide adequate illumination for sports play at the proposed new playfields. The Council concurred that the proposed lighting system would not function properly if held to zone height limit of 30 feet.

ANALYSIS - SEPA

The Drainage, Wetland/Habitat Complex and Sports Fields and Courts Project has undergone a full environmental review in accordance with Washington State SEPA requirements. In accordance to SEPA's procedural provisions, the City of Seattle Department of Parks and Recreation, as lead agency and project proponent determined that the proposal may have a probable significant adverse environmental impact, issued a Determination of Significance, initiated an environmental review and prepared an Environmental Impact Statement. The environmental review included the issuance of a Final Environmental Impact Statement (FEIS)

in July 2002, which was appealed. A Supplemental Environmental Impact Statement (FSEIS) was prepared and issued in May 2003 at the direction of the City of Seattle Hearing Examiner. The scope of the FSEIS was limited to additional analysis of the impacts of noise generated from the sports fields and the impacts of this sportsfield noise on wildlife. The FSEIS did not identify any further impacts or mitigation measures associated with other issues. A challenge to the adequacy of the EIS was dismissed by the King County Superior Court in March, 2005. There are no SEPA appeals currently pending on this project.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) the possible disturbance of wildlife adjacent the site from construction noises); 3) increased noise, dust and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) tracking of mud onto adjacent street from construction personnel; 6) intermittent conflicts with traffic adjacent to the site from construction vehicles; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (Section 25.05.794, SMC). Although not significant, the impacts are adverse and for that reason are addressed by City Codes and/or ordinances, specifically, the Building Code (construction measures in general), *Stormwater, Grading and Drainage Control Code* (temporary soil erosion), and the Noise Ordinance (construction-related noise), and by regulations of the State of Washington.

The proposed development will entail a substantial amount of grading and soils on site are susceptible to erosion when disturbed. The site is relatively flat, however, and Temporary Erosion and Sediment Control (TESC) is readily attainable with the proper application of Best Management Practices (BMPs). BMPs will include ground stabilization, interceptor swales, sediment ponds, filter fabric fencing, and other applicable BMPs identified in the City of Seattle’s *Construction Stormwater Control Technical Requirements Manual*.

Compliance with applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased bulk and scale from the additional lighting standards, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope and are otherwise mitigated by constraints imposed through project design.

Impacts from light and glare, however, were noted in the EIS as to warrant conditioning, so a brief discussion of those impacts is warranted.

Light and Glare

SEPA policies state with regards to Light and Glare that *“It is the City's policy to minimize or prevent hazards and other adverse impacts created by light and glare. If a proposed project may create adverse impacts due to light and glare, the decision-maker shall assess the impacts and the need for mitigation.”*

Nighttime use of participant sport playfields necessitates that the Parks Department provide for levels of illumination at the ambient field level that will ensure the safety of the participants. The Final Environmental Impact Statement acknowledged that the proposed development of the lighted sports fields would result in significant light and glare impacts. Certain mitigation measures, however, have been built into the design of the lighting system. These include:

- use of full-cutoff lighting fixtures wherever possible;
- use of shielded lighting fixtures in remaining situations;
- meeting Department of Parks and Recreation requirements for maximum allowable light trespass levels from sports fields;
- using higher poles and luminaire mounting heights to permit more downward aiming angles and greater control of the light and should prove to be an acceptable incremental change relative to the existing development and substantially mitigated by the shielded floodlight technology. The luminaries would be aimed down to the field as much as possible to control this direct glare. With regards to glare impacts, increased mounting heights will increase the effectiveness of the floodlight shielding and decrease the visibility of the lamps at offsite locations. The luminaires are adjustable, and the project specifications should call for final adjustments after installation to address issues of glare.

It has been the experience of DPD in the evaluation of other sports field lighting proposals that it is possible to reduce sports field lighting impacts not only through the technological mitigation measures noted above but through operational mitigation measures as well. Chief among these is the restriction of the hours of sports field operation. A significant reduction in impact would be effected by restricting operations to 10:00 P.M. (as has been done in Ordinance 121502). Fuller and more significant mitigation for controlling the impacts of light can be achieved through voluntary or other imposition of a “dark night,” with no permitted lighting of the play fields, again as in the condition of Ordinance 121502 of June 14, 2004, which calls for a “dark” Sunday.

A policy and program for a scheduled cut-off for field illumination and a dark night on Sundays, as conditioned in Ordinance 121502, will effectively mitigate some of the impacts of skyglow and provide, in a consistent and predictable manner, an opportunity, albeit diminished, for scientific and other interests in the night sky to be realized. Given the provision for “dark” Sundays, the skyglow problem on that day will be no worse than the existing condition.

Mitigation of these impacts is subject to the Overview policy. If mitigation is warranted, SEPA provides that mitigation measures can be imposed that limit the area and intensity of illumination, limiting the location or angle of illumination, limiting the hours of illumination and requiring additional landscaping. The Parks Department has imposed several of these measures as design parameters for the project as described in the foregoing analysis, chief among them the height of the light standards themselves. Furthermore, as a condition of the Council Approval of the waiver of development standards (C.F. 306574/MUP #2400368), the Parks Department is required to provide an Illumination Management Plan to be included with any application for a construction permit. This Plan will describe technological and program controls to limit the lighting of each field to evenings when play is scheduled, limit play to the hour of 10:00 P.M. and limit illumination of the playfields to Monday through Saturday evenings. With the required Illumination Management Plan in place, no further mitigation is warranted.

Other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased traffic and parking demand) are not sufficiently adverse to warrant further mitigation by condition. Impacts from light and glare, however, were noted in the EIS as to warrant conditioning, so a brief discussion of those impacts is called for.

Traffic, Noise and Parking

An increase in the number and accessibility of playfields at Magnuson Park will inevitably increase the impacts of traffic, parking and noise. The additional play time enabled through nighttime artificial illumination and use of artificial play surfaces is anticipated to add to the volume of traffic, the demand for parking, and the ambient noise levels in the area. These impacts were not anticipated to be significant in the Parks Department’s Environmental analysis. The extended time for play at Sand Point Magnuson Park would not go beyond 10:00 P.M. after that time security lighting would be allowed and would provide ample time for orderly exiting prior the park’s standard closing time of 11:00 P.M. The existing and reconfigured parking in the approved Master Plan can easily accommodate the additional vehicles in the evening hours and spillover parking is not likely. Existing and anticipated traffic, parking and noise conditions are not onerous and the additional scheduling would be reasonably compatible with the park use and purpose and does not warrant further conditioning.

Water Quality

Best Management Practices and conformance with the Stormwater, Grading & Drainage Control Code is expected to result in no increase in suspended sediment in Lake Washington during construction and no decrease in the water quality of any discharge into Lake Washington. In the longer term, the habitat and water quality is expected to improve in the vicinity of the project as

a result of wetlands creation and enhancement and the water treatment thereby for water discharged into Lake Washington.

The Phase II development proposal will impact approximately 6.0 acres of a total of 29.84 existing wetlands located within the park. The complete details on wetland impacts and proposed mitigation for these impacts has been provided in the *Wetland Compensation Plan for Magnuson Park Phase 2* prepared by Sheldon & Associates, 2006. Since the proposal will result in the direct fill of existing wetlands, it is thereby subject to appropriate City, State, and Federal wetlands and water quality permit conditions. No further conditioning is warranted.

As disclosed in the environmental documents prepared by the applicant, several impacts on the environment would result from the proposed development. Existing codes and policies successfully address most of these impacts. Other long term impacts are mitigated by the design parameters of the design itself and by mitigation proposed in the environmental documents. Therefore both short term and long term impacts will be sufficiently mitigated.

CONDITION(S) – SEPA

None.

Signature: (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: May 8, 2006